

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL GRESHAM,

Plaintiff,

Case No. 1:10-cv-1300

v.

Honorable Paul L. Maloney

WILLIE O. SMITH et al.,

Defendants.

ORDER

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. On February 1, 2011, the Court ordered Plaintiff to file an amended complaint on the form, as required by the local rules of this Court. *See* W.D. Mich. LCivR 5.6(a). In the order, the Court instructed that the amended complaint would take the place of the original complaint, so it must include all of the Defendants that Plaintiff intends to sue and all of the claims that Plaintiff intends to raise. Nevertheless, in his first amended complaint filed on March 24, 2011, Plaintiff stated “this Amendment does not eliminate the former claims[,] however[,] it makes additional claims...” (Compl., docket #15, Page ID#119.) As a consequence, on September 19, 2011, the Court entered another order (docket #21) directing Plaintiff, within 28 days of the order, to file a second amended complaint in full compliance with the court rules and with further instructions detailed in the order. The Court advised Plaintiff that should he fail to comply with the order, his complaint would be dismissed for lack of prosecution.

More than 28 days have now elapsed, and Plaintiff has failed to file a second amended complaint in the proper form. Because Plaintiff has wholly failed to comply with the

Court's September 19, 2011 order, the Court will issue a judgment dismissing the case without prejudice for lack of prosecution.

IT IS SO ORDERED.

Dated: November 1, 2011

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge